

### **REMARKS**

Claims 1-22 remain pending in this application.

#### **Claim Rejections - 35 U.S.C. §102**

The present invention relates to a gaming machine that provides a real-time graphical rendering of gaming events. The gaming machine utilizes physical object data, motion capture data, and simulation rule data, either alone or in combination, to simulate real-world physical phenomena. U.S. Pat. App. No. 10/657,650, p. 9, ll. 7-25. Physical object data may comprise “types of information about physical objects whose motions and interactions are to be simulated.” *Id.*, p. 9, ll. 26-27. Non-limiting examples of physical object data include the “mass, dimensions, elasticity, and center of gravity of a simulated object.” *Id.*, p. 9, ll. 27-28. Simulation rule data may comprise “a set of parameters describing how simulated objects should work together within a simulated environment to provide an entertaining activity for wagering.” *Id.*, p. 10, ll. 15-17. Simulation rule data “comprises rule data designed to mimic as closely as possible activities within the real world.” *Id.*, p. 10, ll. 17-19.

Claims 1-6, 8, 9, 11-19, and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sines et al, U.S. Pat. No. 6,165,069 (“Sines”). The independent claims (claims 1, 8, 15, 22) recite several limitations not disclosed, taught, or suggested by Sines. Specifically, independent claim 1 recites (a) “a system memory containing physical object data and simulation rule data” and (b) “a central processor for processing said physical object data and said simulation rule data to produce a realistic depiction of gaming activity on said display.”

Independent claim 8 recites (a) “accessing physical object data,” (b) “accessing simulation rule data,” and (c) “mathematically modeling game actions of one or more physical objects within a simulation world using said physical object data and said simulation rule data.”

Independent claim 15 recites (a) “simultaneously simulating and displaying in real time an interaction of simulated physical objects using a representation of three-dimensional forms.”

Independent claim 22 recites (a) “implementing a physics engine using physical object data and simulation rule data to numerically simulate an interaction of physical objects, thereby creating a simulated interaction.” Thus, the claimed invention requires physical object data that is used in a simulation. Sines does not disclose, teach, or suggest at least the above limitations of independent claims 1, 8, 15, and 22.

Rather, Sines discloses a card game system 60 for a gaming table 50 that includes a game processor 90, a dealing shoe 80, and a presentation unit 100. FIGs. 1-3; Col. 9, l. 26 - Col. 10, l. 19. Sines also discloses that the processor 90 includes software used in the operation of the card game system 60. Col. 19, ll. 61-62. The software used to play blackjack with the card game system 60 is then described in further detail to illustrate the operation of the software in a game of blackjack. Col. 20, l. 6 - Col. 24, l. 3. However, in the disclosure of Sines there is no teaching of physical object data as that term is used in the Applicants’ application. Rather, Sines merely discloses a card game system 60 for a gaming table 50 that allows a group of people to play a traditional casino card game using the card game system 60 in place of traditional playing cards. FIGs. 1-4; Col. 9, ll. 1-34. There is no need for physical object data in the Sines system as the card games system 60 merely contains software for playing card games. Col. 19, l. 61 - Col. 20, l. 5.

Further, Sines does not disclose, teach, or suggest “mathematically modeling game actions of one or more physical objects within a simulation world” as required by Applicants’ pending claim 8.

Additionally, there is no disclosure in Sines of “simultaneously simulating and displaying in real time an interaction of simulated physical objects using a representation of three-dimensional forms” as recited in claim 15 of Applicants’ claimed invention.

Finally, Sines does not disclose, teach, or suggest the use of a “physics engine” as required by claim 22 of Applicants’ pending application.

Therefore, for at least these reasons, independent claims 1, 8, 15, and 22 are not anticipated or made obvious by Sines. Thus, independent claims 1, 8, 15, and 22 should be allowable. Dependent claims 2-7, 9-14, and 16-21, which depend either directly or indirectly on independent claims 1, 8, 15, and 22 are not anticipated or made obvious by Sines for at least the same reasons, and should be in a condition for allowance.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 7, 10, 20, and 21 were rejected under 35 U.S.C. § 103(a) as being made obvious by Sines in view of OFFICIAL NOTICE taken by the examiner. Claims 7, 10, 20, and 21 are all dependent claims. As mentioned above, Sines fails to disclose, teach, or suggest at least one limitation of the independent claims from which claims 7, 10, 20 and 21 depend. Thus, not all the limitations of the independent claims would be met even if one skilled in the art would modify Sines in view of the OFFICIAL NOTICE. Hence, the Office Action fails to set forth a *prima facie* case of obviousness for claims 7, 10, 20, and 21. Considering the deficiencies in these § 103 rejections, these claims are not made obvious by Sines in view of OFFICIAL NOTICE. Applicants hereby challenge the OFFICIAL NOTICE pursuant to MPEP § 2144.03, as it is not common knowledge or well-known in the art of gaming machines to virtually simulate sports games.

### **IDS**

An Information Disclosure Statement (IDS) pursuant to 37 C.F.R. §§1.97 and 1.98 for this application was mailed on December 23, 2003. This IDS does not appear to have been considered by the Examiner. Applicant respectfully requests that the Examiner consider the previously submitted IDS prior to the next communication regarding this application.

### **Conclusion**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

It is believed that no fee is presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47079-00134USPT.

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Respectfully submitted,

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